

Serial No. 10/558,887  
Docket No. G12-195095C/KK

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**AMENDMENTS TO THE SPECIFICATION:**

**Please replace the Abstract on page 64 with the following:**

A nonaqueous electrolyte battery includes a positive electrode, a negative electrode, and a nonaqueous electrolyte. The nonaqueous electrolyte includes a cyclic carbonate having a carbon-carbon  $\pi$  bond and the positive electrode includes a positive active material including a composite oxide represented by a composite formula:  $\text{Li}_x\text{Mn}_a\text{Ni}_b\text{Co}_c\text{O}_2$  (wherein  $0 \leq x \leq 1.1$ ,  $a+b+c=1$ ,  $|a-b|<0.05$ ,  $0 < c < 1$ ) and having an  $\alpha\text{-NaFeO}_2$ -type crystal structure.